

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TERESA ANNE SCOTT,</b>	:	<b>CIVIL ACTION NO. 1:02-CV-1586</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>PAMELA WELLINGTON</b>	:	
<b>LACKEY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**MEMORANDUM**

Presently before the court is a motion for leave to withdraw (Doc. 196) filed by Attorney James D. Flower, Jr. ("Attorney Flower"), counsel for defendant Pamela Wellington Lackey ("Lackey"). The motion avers that Lackey is substantially behind in the payment of her financial obligations relating to Attorney Flower's services, resulting in an unreasonable burden on Attorney Flower and his firm.

The relationship between an attorney and his or her client is of a contractual nature. Novinger v. E.I. DuPont de Nemours & Co., 809 F.2d 212, 218 (3d Cir. 1987). Although the client may terminate this relationship at anytime, the attorney may withdraw only "for reasonable cause and upon reasonable notice." Id.; Ryan v. Butera, Beausang, Cohen & Brennan, 193 F.3d 210, 212 n.4 (3d Cir. 1999); see also PA. RULES PROF'L CONDUCT R. 1.16(d). Reasonable cause exists when the client "fails to substantially fulfill an obligation" related to the attorney's services or when the representation "result[s] in an unreasonable financial burden" on the

attorney. See PA. RULES PROF'L CONDUCT R. 1.16(b)(5),(6).

In the present matter, Attorney Flower has demonstrated reasonable cause for withdrawal. The evidence indicates that Lackey is substantially failing to fulfill her financial obligations, and by her own admission there is a sizable sum now due to Attorney Flower. (See Doc. 207). Although Lackey is making modest monthly payments towards this balance, the current pre-trial debt will not be satisfied until the year 2035.<sup>1</sup>

The court also finds that Lackey was given reasonable notice of her obligations to Attorney Flower, and of his intent to withdraw from this case if the obligations were not fulfilled. Lackey was formally made aware of the problem in December 2004, and met with Attorney Flower to discuss the matter in January 2005. (See Doc. 207 at 2-3). The instant petition was not filed until four months after that meeting. Hence, Lackey was given sufficient time to address the situation and seek alternative means of proceeding in this case.

Because Attorney Flower has shown reasonable cause for and provided reasonable notice of his withdrawal from this case, the motion for leave to withdraw will be granted. An appropriate order will issue.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

Dated: July 15, 2005

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<sup>1</sup> Lackey contends that there was a contract for the payment of minimal monthly installments. (Doc. 207). However, the agreement submitted—dated May 2003—indicates that the payment plan applied to a specific sum then in arrearage and was for a limited period of time. (See Doc. 207 at 7-8).

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<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
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<b>v.</b>	:	
	:	
<b>PAMELA WELLINGTON LACKEY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 15th day of July, 2005, upon consideration of the motion for leave to withdraw (Doc. 196), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion for leave to withdraw (Doc. 196) is GRANTED.
2. Attorney James D. Flower, Jr., is TERMINATED as attorney of record for defendant Pamela Wellington Lackey.
3. Defendant Pamela Wellington Lackey shall, on or before July 29, 2005, cause to be filed with the court an entry of appearance of counsel or a notice of an intention to proceed *pro se*. Failure to comply with this paragraph will result in the court deeming Lackey to be proceeding *pro se*.
4. Proceedings in this case are STAYED only as they relate to defendant Pamela Wellington Lackey until July 29, 2005.
5. The Clerk of Court is directed to send to defendant Pamela Wellington Lackey, via first class mail, a copy of this order and the accompanying memorandum.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge